

Notice of Allowability

Application No.

09/997,460

Applicant(s)

GABELE ET AL.

Examiner

Art Unit

David Silver

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 3/8/07.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/09/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


KAMINI SHAH
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. Applicants have submitted amended claims along with the Appeal Brief, dating 03/08/2007. These amendments are **entered**.
2. Claims 1-15 are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jim Boice (Reg. No 44545) on 10/24/2007.

The application has been amended as follows:

Replace the paragraph beginning on page 1, line 6, in its entirety with the following paragraph:

The present application is related to the following co-pending U.S. Patent Applications: U.S. Patent Application Serial No. 09/997,802 (issued on 11/28/2006 as U.S. Patent No. 7,143,019), titled "Maintaining Data Integrity Within A Distributed Simulation Environment"; U.S. Patent Application Serial No. 09/997,768 (issued on 04/11/2006 as U.S. Patent No. 7,027,971), titled "Centralized Disablement Of Instrumentation Events Within A Batch Simulation Farm Network"; U.S. Patent Application Serial No. 09/997,767 (issued on 08/23/2005 as U.S. Patent No. 6,934,885), titled "Fail Thresholding In A Batch Simulation Farm Network"; U.S. Patent Application Serial No. 09/997,803 (issued on 08/01/2006 as U.S. Patent No. 7,085,703), titled "Count Data Access In A Distributed Simulation Environment"; U.S. Patent Application Serial No. 09/997,458 (issued on 11/28/2006 as U.S. Patent No. 7,143,018), titled "Non-redundant Collection of Harvest Events Within a Batch Simulation Farm Network"; and U.S. Patent Application Serial No. 09/997,845 (issued on 08/15/2006 as U.S. Patent No. 7,092,868), titled "Annealing Harvest Testcase Collection Within A Batch Simulation Farm". The

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above-mentioned patent applications are assigned to the assignee of the present invention and are incorporated herein by reference.

Allowable Subject Matter

3. Claims 1-15 allowed.
4. The following is an examiner's statement of reasons for allowance: Applicants' argument in Appeal Brief filed 3/08/2007 have been fully considered and are persuasive.
5. **35 U.S.C. § 101 (Appeal Brief page 10-11 section A):** Applicants arguments on page 10, section A, second full paragraph are sufficient to overcome the rejection. Accordingly, the rejection has been withdrawn.
6. **35 U.S.C. § 112, P2 (Appeal Brief page 12 section B):**

Applicants' arguments regarding claim 1 and its dependents have been fully considered and are persuasive.

Applicants' arguments regarding claim 6 have been fully considered and are persuasive in view of the amendments which resolve the deficiencies.

Applicants' arguments regarding claims 11-15 have been fully considered. A minor clerical oversight included claims 11-15 in the rejection header.

Accordingly, the 35 U.S.C. § 112 P2 rejections have been withdrawn.

The rejection has been withdrawn.

7. **35 U.S.C. § 103(a) (Appeal Brief page 13-17):**

The best prior-art of record is Vaidyanathan (**US 5,809,238**), in view of Raimi (**US 5,604,895**). The combination fully discloses all claimed limitations, except: (exemplary claim 1)

compare said first counter report to said second counter report to detect variations in rates of occurrences of count events recorded in the first and second counter reports, said comparing including:

utilizing the specified number of simulation cycles specified by said first counter report and the specified number of simulation cycles specified by the second counter report to normalize the number of count event occurrences specified by said first counter report with respect to the

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number of count event occurrences specified by said second counter report; and
determining the difference in the normalized numbers of occurrences of corresponding
count events specified by said first counter report and said second counter report; and
generate a counter difference report that specifies one or more count events for which the
determined difference in the normalized numbers of occurrences of corresponding count events exceeds
a pre-specified difference threshold (emphasis added).

The art does not teach the emphasized sections as claimed and disclosed in the Specification.

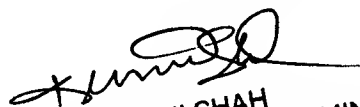
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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SUPERVISORY PATENT EXAMINER

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Patent Examiner
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